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 Attorneys for Defendants Pusser's Inc., Pusser's Ltd.,
 Pusser's West Indies Ltd., and Charles S. Tobias

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

MAGWITCH L.L.C.,	:	Case No. 08cv2144 (LTS)(GWG)
	:	
	:	
Plaintiff,	:	ECF Case
	:	
-against-	:	
PUSSER'S INC., PUSSER'S LTD., PUSSER'S WEST INDIES LTD and CHARLES S. TOBIAS,	:	NOTICE OF MOTION <u>TO DISMISS</u>
	:	
Defendants.	:	

PLEASE TAKE NOTICE THAT that pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, Defendants Pusser's Inc., Pusser's Ltd., Pusser's West Indies Ltd. and Charles S. Tobias, will move this Court, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, before the Honorable Laura T. Swain, on a date to be determined by the Court for an Order dismissing the proposed Complaint in its entirety due to the lack of personal jurisdiction.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Defendants shall rely upon the Memorandum of Law, Declaration of Charles S. Tobias, and Declaration of Gregory W. Gilliam, together with accompanying exhibits submitted

concurrently herewith in support thereof, all pleadings of record, and oral argument which is respectfully requested.

PLEASE TAKE FURTHER NOTICE that pursuant the Individual Practices of Judge Laura Taylor Swain, Rule 2.B, counsel for Venable LLP made a reasonable attempt to prevent plaintiff from bringing the instant action.

Dated: New York, New York
March 10, 2008

VENABLE LLP

By: s/Gregory W. Gilliam
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TO:

Andrew W. Heymann, Esq.
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Attorneys for Plaintiff Magwitch L.L.C.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of March, 2008, a true and correct copy of the *Notice of Motion to Dismiss, Memorandum of Law in Support of Defendants' motion to Dismiss, Declaration of Charles S. Tobias in Support of Defendants' Motion to Dismiss* with accompanying exhibits, and *Declaration of Gregory W. Gilliam in Support of Defendant's Motion to Dismiss* with accompanying exhibits served by first-class U.S. mail, postage prepaid, on:

Andrew W. Heymann, Esq.
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40 Wall Street, 35th Floor
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Counsel for Magwitch L.L.C.

s/Gregory W. Gilliam

Gregory W. Gilliam